

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 19-MJ-30 KBM

ZACHARIAH STANLEY JOE,

Defendant.

UNOPPOSED MOTION TO CONTINUE GRAND JURY PRESENTMENT

COMES NOW Defendant Zachariah Stanley Joe, by and through his counsel of record, Assistant Federal Public Defender Melissa Ayn Morris, and moves this Court for an Order extending the time within which to present this case to the grand jury and cause an indictment to be filed. The grounds for this continuance are as follows:

1. The parties are engaged in pre-indictment negotiations at this time. The continuance will allow those negotiations to continue with the possibility of resolving Defendant's case pre-indictment.
2. The United States provided Defendant with initial discovery in this matter on February 8, 2019. This consists of over six hundred pages of reports, and numerous interviews. Counsel requires time to conduct a thorough review of discovery with Mr. Joe.

3. The Defendant understands his right to have his case presented to a grand jury within 30 days of his arrest pursuant to 18 U.S.C. § 3161 (b). But he is nonetheless willing to waive that right for 60 more days to pursue pre-trial negotiations. The Defendant understands that, if the parties cannot reach an agreement, this case will be presented to a grand jury at a later date.

4. Counsel for the government, David P. Cowen, does not oppose this motion.

The Defendant hereby requests a continuance of grand jury presentment for a period not to exceed 60 days from the date of the expiration of the initial 30 days. By that, Defendant requests that there be an additional 60-day period of excludable time, for a total of 120 days, for the purposes of determining compliance with the speedy indictment provision of 18 U.S.C. § 3161 (b). It is further requested that an Order be entered providing that this time period shall be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161 (h)(7)(A).

I HEREBY CERTIFY THAT
on February 13, 2019 I filed
the foregoing electronically
through the CM/ECF system,
which caused the following
parties or counsel to be served
by electronic means, as more
fully reflected on the Notice of
Electronic Filing: AUSA
David P. Cowen .

/s/ Melissa A. Morris

Respectfully submitted,

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